

**TEXAS COMMISSION ON
FIRE PROTECTION**

**ANNUAL REPORT OF
NONFINANCIAL DATA**

For The Year Ended August 31, 2009

**Gary L. Warren, Sr.
EXECUTIVE DIRECTOR**

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December 29, 2009

Honorable Rick Perry, Governor
John O'Brien, Deputy Director, Legislative Budget Board
John Keel, CPA, State Auditor

Dear Gentlemen:

We are pleased to submit the Annual Report of Nonfinancial Data of the Texas Commission on Fire Protection for the year ended August 31, 2009, in compliance with TEX. GOVT CODE ANN. Sec. 2101.0115 and in accordance with the instructions for completing the Annual Report of Nonfinancial Data.

The accompanying report has not been audited and is considered to be independent of the agency's Annual Financial Report.

If you have any questions, please contact Ana Munoz at 936-3840.

Sincerely,

Gary L. Warren, Sr.
Executive Director

UNAUDITED

TEXAS COMMISSION ON FIRE PROTECTION (411)

SCHEDULE 1

APPROPRIATION ITEM TRANSFERS *

For the Fiscal Year Ended August 31, 2009

ITEMS OF APPROPRIATION

	<u>Transfers In</u>	<u>Transfers Out</u>	<u>Net Transfers</u>
A. Goal:			
Strategies:			
A.1.1. 13008 Fire Safety & Education	\$ 0.00	\$ 0.00	\$ 0.00
A.1.2. 13010 Adm Grant Fund	0.00	0.00	0.00
A.2.1. 13014 Reg Fire Service	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Total Goal A:	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
B. Goal: Protect Indirect Administration			
Strategies:			
B.1.1. 13800 Indirect Administration	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Total Goal B: Indirect Administration	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Net Appropriation Item Transfers	<u>\$ 0.00</u>	<u>\$ 0.00</u>	<u>\$ 0.00</u>

*There were no other transfers other than benefit replacement pay, salary increase, or rider transfers.

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TEXAS COMMISSION ON FIRE PROTECTION (411)

SCHEDULE 2

HUB STRATEGIC PLAN PROGRESS REPORT

For the Fiscal Year Ended August 31, 2009

(Source: Texas Government Code, Title 10, Subtitle D, Section 2161.124)

Goal = Strategic Plan HUB Goal <u>Actual = % Spent with HUBS from HUB Report</u>	<u>ACTUAL FOR</u> <u>FY '08</u>	<u>ACTUAL FOR</u> <u>FY '09</u>	<u>GOAL FOR</u> <u>FY '10</u>
Heavy Construction other than building contracts	n/a	n/a	11.9%
Building Construction, including general contractors and operative builders contracts	n/a	n/a	26.1%
Special Trade construction contracts	n/a	n/a	57.2%
Professional Service Contracts	100.0%	100.0%	20.0%
Other Services Contracts	51.2%	40.8%	33.0%
Commodities Contracts	5.87%	2.59%	12.6%

Prepared By: _____

Printed Name: Ana R. Muñoz

Phone Number: (512) 936-3840

Approved: _____

Printed Name: Gary L. Warren, Sr.

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TEXAS COMMISSION ON FIRE PROTECTION (411)
SCHEDULE 3
INDIRECT COSTS
For the Fiscal Year Ended August 31, 2009

a.	Payroll Related Costs		
	FICA Employer Matching Contribution	\$ 125,836.91	
	Group Health Insurance	330,258.48	
	Retirement	108,664.93	
	Unemployment Compensation	0.00	
	Total Payroll Related Costs		564,760.32
	Benefit Replacement Pay (BRP)	9,241.74	
	Total BRP and Workers' Compensation		9,241.74
b.	Indirect Costs		
	Bond Debt Service Payments		
	TBPC	5,139.00	
	Total Indirect Costs		5,139.00
c.	Indirect Costs - Statewide Cost Allocation Plan (based on FY09 data) - Full Cost Method		
	Building Depreciation	11,560.00	
	Equip Use & Deprec	0.00	
	Comptroller	36,702.00	
	DIR	611.00	
	Capitol Security	2,556.00	
	TBPC P Card Rebate	(766.00)	
	TBPC Purchasing	61.00	
	TBPC Support Services	6,587.00	
	TBPC Bld & Property Svcs	33,809.00	
	TBPC Asbestos	0.00	
	TBPC FCSM	851.00	
	Budget & Planning	199.00	
	SORM	0.00	
	Preservation Board	0.00	
	State Senate (101)	100.00	
	House of Representatives (102)	122.00	
	Legislative Council (103)	94.00	
	Legislative Budget Board (104)	631.00	
	Reference Library (105)	94.00	
	Sunset Advisory Board (116)	103.00	
	Total Indirect Costs - Statewide Cost Allocation Plan		93,314.00
	TOTAL INDIRECT COSTS	\$	672,455.06

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SCHEDULE 4

PROFESSIONAL/CONSULTING FEES AND LEGAL SERVICE FEES

For the Fiscal Year Ended August 31, 2009

<u>NAME</u>	<u>CITY</u>	<u>SERVICE RENDERED</u>	<u>AMOUNT</u>
<u>PROFESSIONAL/CONSULTING FEES</u>			
Diane W. Fulmer, CPA	Round Rock	Accounting Services	\$ 5,277.69
Workers Asstnc Prog of Texas	Austin	Other Professional Services	1,481.04
Others Under \$200 each			<u>0.00</u>
		Total Professional Fees	\$ <u>6,758.73</u>
<u>LEGAL SERVICE FEES</u>			
			\$ <u>0.00</u>
		Total Professional and Legal Fees	\$ <u><u>6,758.73</u></u>

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TEXAS COMMISSION ON FIRE PROTECTION (411)
SCHEDULE 5
SPACE OCCUPIED
For the Fiscal Year Ended August 31, 2009

LOCATION	SQ. FT.	FTEs	COST PER SQ. FT.	COST PER MONTH	ANNUAL COST	LESSOR
Headquarters:						
1701 N. Congress Ave. Ste 1-105 Austin, Texas Period 12/1/05-8/31/09	4,575	28	\$0.00	\$0.00	\$0.00	Space is a state owned building and is provided by TFC to TCFP at no cost.
Region Offices:						
Ft. Worth St. Office Building 1501 Circle Dr. Fort Worth, Texas Period 9/08-8/09	326	1	\$0.00	\$0.00	\$0.00	Space is a state owned building and is provided by TFC to TCFP at no cost.
22 Briercroft Office Park, Ste 13 Lubbock, Texas Period 9/08-8/09	300	1	\$0.59	\$178.02	\$1,068.12	Glen Robertson 833 E. 40th Street Lubbock, TX
2127 S. 1st Street Lufkin, Texas Period 9/08-8/09	300	1	\$0.00	\$0.00	\$0.00	Space provided as part of split of the agency. No rent is charged to TCFP
321 Center St. Ste 1082 San Antonio, Texas Period 9/08-8/09	379	1	\$0.00	\$0.00	\$0.00	Space is a state owned building and is provided by TFC to TCFP at no cost.
310 Century Parkway Allen, Texas Period 9/08-8/09	50	1	\$0.00	\$0.00	\$0.00	Space is provided by the Allen Fire Department at no cost to TCFP
Storage Space Rental: 14011 Thomas Sinclair Rd. Austin, Texas 1 unit 10x20 9/08-8/09	200		\$0.35	\$69.00	\$828.00	Alpha Self Storage 14011 Thomas Sinclair Rd. Austin, Texas

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TEXAS COMMISSION ON FIRE PROTECTION (411)

SCHEDULE 6

BONDED EMPLOYEES

For the Fiscal Year Ended August 31, 2009

No bond is required by the State Office of Risk Management.

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TEXAS COMMISSION ON FIRE PROTECTION (411)
 SCHEDULE 7
 RECYCLED, REMANUFACTURED, AND ENVIRONMENTALLY SENSITIVE PURCHASES
 For the Fiscal Year Ended August 31, 2009

Point of Contact: Gilbert Gipson
 Phone Number: 512-936-3846
 E-Mail Address: gilbert.gipson@tcfp.state.tx.us

E1, E2, or E3	Description	Total Expenditures		
		Non-Delegated	Delegated	Total
Total E1, including 1st Choice	Recycled		\$ 5,386.53	\$ 5,386.53
Total E2, including 1st Choice	Remanufactured		\$ -	\$ -
Total E3, including 1st Choice	Environmentally Sensitive	\$ -	\$ -	\$ -
Total of E1, E2, E3 includes Recycled 1st Choice Targeted Totals		\$0.00	\$5,386.53	\$5,386.53

FY 2009 1st Choice Targeted Commodities	Expenditures		% Spent on 1st Choice	
	1st Choice Products (A)	Virgin Counterpart (B)	Total (A+B)	Products 100* [A/(A+B)]
Motor Oil Lubricants			\$0.00	
Toilet Paper, Seat Covers, & Paper Towels			\$0.00	
Printing, Copier & Computer Paper			\$0.00	N/A
Business Envelopes			\$0.00	
Photocopiers			\$0.00	
Total 1st Choice Targeted Commodities	\$0.00	\$0.00	\$0.00	

Summary of Total Number of Justification Letters	Total Cost	Total Quantity	Total Not Available	Total Other
Motor Oil Lubricants	0	0	0	0
Toilet Paper, Seat Covers, & Paper Towels	0	0	0	0
Printing Paper, Copier Paper, & Computer Paper	\$2,863.47	80	0	0
Business Envelopes	\$0.00	0	0	0
Recycling Containers	\$2,103.06	10000	0	0
	\$420.00	2	0	0
Total Number(s)	\$5,386.53	10082	0	0

TEXAS COMMISSION ON FIRE PROTECTION (411) ADDENDUM

Organizational and General Comments

Function and Organization

The Texas Commission on Fire Protection is a state government agency, which regulates and assists the Texas fire service. The commission helps protect the lives and property of the citizens of Texas by developing and enforcing professional standards for the fire service.

The Texas Commission on Fire Protection's main program areas include fire service standards and certification, the fire department emergency funding program, and the fire protection resource library.

Fire service standards and certification

The commission's fire service standards and certification division:

- Regulates paid fire protection personnel, fire departments, and training facilities.
- Performs biennial inspections of fire departments, local government agencies providing fire protection, and institutions or facilities conducting training for fire protection personnel or recruits.
- Establishes minimum curriculum requirements for basic certification as fire protection personnel.
- Establishes minimum requirements and evaluation of courses for higher levels of fire protection personnel certification.
- Enforces standards for protective clothing and self-contained breathing apparatus.
- Administers a voluntary certification and regulation program for qualified individuals not connected with local governments or volunteer fire departments.
- Administers a voluntary certification and regulation program for volunteer fire protection personnel, fire departments, and training facilities.

Fire Department Emergency Program

Texas fire departments, particularly those in rural and unincorporated areas of the state, often have a great deal of financial difficulty in meeting their citizens' needs. The commission's fire department emergency funding program is designed to assist Texas fire departments in meeting their most critical needs. The emergency funding program provides scholarships, grants, loans and other financial assistance to eligible fire departments and other public fire-fighting organizations.

Ernest A. Emerson Fire Protection Resource Library

The commission's Ernest A. Emerson Fire Protection Resource Library houses hundreds of videos and books on fire protection. The library's audiovisual materials are available for lending to fire department training programs, researchers and the public. Most of the library's print materials are not in circulation, but they may be used by anyone on site. Limited print materials are available to be checked out of the library.

Commission and Key Employees

The policy making body of the Texas Commission on Fire Protection is a 13-member board of commissioners appointed by the Governor and confirmed by the Senate. The members of the commission represent a broad spectrum of the Texas fire service:

- Two members are chief officers nominated by the Texas Fire Chiefs' Association. One of the fire chiefs must be the head of his or her fire department, and one must be employed by a municipality with a population of less than 50,000.
- Two members are paid fire protection personnel nominated by the Texas State Association of Fire Fighters. These fire fighters must hold a rank of battalion chief or below, and one must be employed by a municipality with a population of less than 50,000.
- Two members are volunteer fire protection personnel nominated by the State Firemen's and Fire Marshals' Association of Texas.
- One member is a certified fire protection engineer.
- One member is a certified arson investigator or fire protection inspector.
- One member is a fire protection instructor.

TEXAS COMMISSION ON FIRE PROTECTION (411) ADDENDUM

- Four commissioners are public members who cannot be employed or certified as fire fighters or who otherwise would fall under the commission's regulatory authority.

The Governor with the advice and consent of the Senate appoints commission members for staggered terms of six years with four members' terms expiring on February 1 of each odd-numbered year.

Serving on the commission as of August 31, 2009 were:

Name	City (Texas)	Term Expires
Chris Connealy, Presiding Officer	Cedar Park	2011
Les Bunte	Bryan	2015
Elroy Carson	Ransom Canyon	2011
Rhea Cooper	Lubbock	2013
Yusuf Elias Farran	El Paso	2015
Carl Gene Giles	Carthage	2015
John Kelly Gillette, III	Frisco	2011
Jody Gonzalez	Krugerville	2013
John W. Green	San Leon	2011
Michael Melton	Gilmer	2013
Arthur Pertile, III	Katy	2013
Kimberly Shambley	Plano	2015
Steve C. Tull	Valley Mills	2015

The commission is assisted in its policymaking responsibilities by two advisory committees established under Chapter 419 of the Texas Government Code, the fire fighter advisory committee and the funds allocation advisory committee. An additional advisory committee, the curriculum and testing committee, was created by the commission to assist in curriculum and test development.

The fire fighter advisory committee consists of six active or retired fire protection personnel and three certified fire protection instructors. At least one member of the committee must be a volunteer fire fighter or fire chief. The committee is responsible for drafting and reviewing the administrative rules that govern the state's fire service.

The funds allocation advisory committee is composed of six members. Two members are appointed by the State Firemen's and Fire Marshals' Association of Texas, two are appointed by the Texas State Association of Fire Fighters, and two are appointed by the Texas Fire Chiefs Association. The committee determines how funds appropriated by the legislature to the commission's fire department emergency program will be distributed. The committee reviews funding requests for fire departments and makes recommendations to the commission about how the funds should be awarded.

The curriculum and testing committee was created and appointed by the commission to periodically review and recommend changes to the commission's testing and training programs. Members of the curriculum and testing committee are nominated by the fire fighter advisory committee and are appointed by the commission.

Commissioners and advisory committee members do not receive compensation for their service on the commission. Only commissioners receive reimbursement for actual and necessary expenses.

Commission Organization: Agency Divisions

Under the direction of an executive director appointed by the commission, the staff of the Texas Commission on Fire Protection implements and enforces the commission's adopted rules. Effective September 1, 2008, the commission employs 33 full-time equivalents in three divisions: the executive director's office, the fire service standards and certification division, and the support services division.

TEXAS COMMISSION ON FIRE PROTECTION (411) ADDENDUM

- The executive office includes the agency director, executive assistant, public information officer, and the information technology section.
- The fire service standards and certification division administers the commission's fire service certification, compliance, testing, curriculum development/training programs, and fire protection resource library.
- The support services division administers the commission's fire department emergency program, and provides internal administrative support to the agency, including human resources, accounting, budgeting and staff services functions.

Key employees as of August 31, 2009 were:

<u>Name</u>	<u>Title</u>
Gary L. Warren, Sr.	Executive Director
Deborah Cowan	Executive Assistant
Jake Soteriou	Director of Fire Service Standards and Certification
Miles Skipper	Deputy Division Director of Fire Service Standards and Certification
Ana Muñoz	Director of Support Services
Mark Roughton	Public Information Officer

Legislative History of Agency Components

The Commission on Fire Protection Personnel Standards and Education was created in 1969 by the 61st Legislature. The authority for the commission was originally codified as Article 4413(35), V.T.C.S.

In 1991, Senate Bill 383, 72nd Legislative Session, merged the Texas Commission on Fire Protection Personnel Standards and Education with the State Fire Marshal's Office and the Key Rate Section, which were administered by the Texas Department of Insurance. The legislation also assigned the Fire Department Emergency Board (formerly an adjunct of the State Fire Marshal's Office) to the expanded Commission on Fire Protection. A study by the Texas Sunset Advisory Commission during the 72nd Legislative Session concluded that the commission should have additional authority in the form of a volunteer standards and certification program.

The commission was reviewed by the Sunset Advisory Committee during the 75th Legislative Session. Senate Bill 371, the commission's sunset legislation, revised the commission's scope considerably. Among the changes enacted was the return of the State Fire Marshal's Office to the Texas Department of Insurance. Senate Bill 371 also abolished the commission's authority to conduct key rate inspections, in response to the Texas Department of Insurance's 1997 repeal of the key rate system in Texas (TDI replaced the key rate system with the Insurance Services Office's Fire Suppression Rating Schedule). Additionally SB 371 transferred the agency's engineering assistance program, which was designed to assist fire departments with the transition to the Fire Suppression Rating Schedule, to TDI.

The functions of the Fire Department Emergency Board were authorized in 1989 under constitutional amendment House Joint Resolution 33. The emergency board was originally established under House Bill 708, 71st Legislature, Regular Session, to provide grants, loans, scholarships to fire departments for fire protection, training, equipment and facilities. The board was an adjunct to the State Fire Marshal's Office, State Board of Insurance, until 1991, when it was merged into the expanded Texas Commission on Fire Protection. The commission's sunset legislation, SB 371, 75th Legislative Session, allowed the fire department emergency program to remain with the commission.

The 77th Legislature's Senate Bill 382 added several key areas to the commission's statute. The new statute required fire departments to develop and maintain Standard Operating Procedures (SOPs) for Personal Alert Safety Systems (PASS) devices, incident management system, personnel accountability system and fire protection personnel operating at emergency incidents. The SOPs must comply with minimum standards established by the National Fire Protection Association (NFPA) and the Occupational

TEXAS COMMISSION ON FIRE PROTECTION (411) ADDENDUM

Safety and Health Administration's (OSHA) 29 CFR §1910.134 (g)(4). The bill also authorized the Commission on Human Rights to review initial tests administered by fire departments to determine whether the tests are administered in a manner that complies with Chapter 21, Labor Code.

In 2003, the 78th Legislature reduced the agency's budget approximately \$650,000 per year and reduced the agency's FTE count from 35 to 32.

In 2005, the 79th Legislature passed Senate Bill 879 that amended Chapter 419, Government Code, and the agency's statutory authority. The bill deleted obsolete language as well as gave the commission the right to make non-substantive clerical changes to its rules without review by the fire fighter advisory committee. In addition, the bill added a requirement that all fire departments that seek funding from the Fire Department Emergency Program must routinely and consistently report incidents to the Texas Fire Incident Reporting System and participate in the National Incident Management System (NIMS).

In 2007, the 80th Legislature passed HB 2484 that amended Chapter 419, Government Code, and the agency's statutory authority. The bill amended the composition of the Funds Allocation Advisory Committee. Two committee members are appointed by the State Firemen's and Fire Marshals' Association (SFFMA), two are appointed by the Texas State Fire Fighters Association (TSAFF), and two are appointed by the Texas Fire Chief's Association (TFCA). The agency also was granted an increase of one additional full-time-equivalent (FTE) position.

Miscellaneous Comments

There were no purchases made in accordance with Article 601b, Sec. 3.09, V.A.C.S., during the year to which State Purchasing took exception. There was no use of any state-owned aircraft during the year.